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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,054	05/06/2004	Peter Dallinger	041165-9061-00	6637
23409 7590 09/26/2007 MICHAEL BEST & FRIEDRICH LLP 100 E WISCONSIN AVENUE Suite 3300 MILWAUKEE, WI 53202			EXAMINER TALBOT, MICHAEL	
			ART UNIT 3722	PAPER NUMBER
			MAIL DATE 09/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/840,054

Applicant(s)

DALLINGER ET AL.

Examiner

Michael W. Talbot

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,10-16,18 and 21-24 is/are rejected.
- 7) ☒ Claim(s) 6-9,17,19,20 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2,5,10,13,15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Strange et al. '503. Strange et al. '503 shows in Figure 1 a pillar drilling machine comprising a drill head (36) which is supported on a pillar (14), and a base (12) for supporting the pillar, as well as a power supply strand (22,52,50,64) leading to drill head. Strange et al. '503 further shows an accommodation chamber (18) extending substantially longitudinally within the interior of the pillar for receiving the power supply strand and also being arranged, at least sectionwise, to extend substantially longitudinally within the accommodation chamber. Strange et al. '503 further shows the power supply strand extending from the base to the drill head within the interior of the pillar drilling machine (Fig. 1). Strange et al. '503 further shows a respective separation point (64) of the power supply strand within an area of the drill head. Strange et al. '503 shows the separation point being implemented as a releasable plug connection, at least sectionwise, provided within the interior of the pillar. Strange et al. '503 further shows at least one opening (just above item 22 in Fig. 1) within the base through which the power supply stand is led out of the area of the base. Strange et al. '503 further shows a flange member (40) provided which the pillar is supported on the base (via bolts 16) such that it is centered relative thereto. Strange et al. '503 further shows a plug connection (64) arranged, at least sectionwise, in the interior of the flange member (Fig. 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Strange et al. '503 in view of Williamson, Jr. '910. Strange et al. '503 lacks specific reference to a storage facility for the power supply strand being provided in the area of the base.

Williamson, Jr. '910 shows in Figures 1,2 and 8 a pillar drilling machine (10) having a storage facility (open space at 106,124,128 as shown in Fig. 2) for the power supply strand (wires housed in space) being provided in the area of the base (12). In view of this teaching of Williamson, Jr. '910, it would have been obvious to one of ordinary skill in the art to modify the pillar drilling machine of Strange et al. '503 to include a storage facility for the power supply strand in an area of the base as taught by Williamson, Jr. '910 to provide protection from damage to the power supply cord and to provide a convenient, accessible location for storage of the power supply.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Strange et al. '503 in view of Williamson, Jr. '910, further in view of Wehringer '379. Strange et al. '503 in view of Williamson, Jr. '910 lacks the storage facility implemented in the form of a cable spider or a cable drum.

Wehringer '379 shows in Figures 1-5 an electrical cord (C) being wound in a cable spider or cable drum format. In view of this teaching of Wehringer '379, it would have been obvious to one of ordinary skill in the art to modify the storage facility of Strange et al. '503 in view of Williamson, Jr. '910 to include a specific cable spider or cable drum format as taught by

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Wehringer '379 to provide a shortened effective length, thus reducing the unnecessary slack and preventing looping, twisting or other undesirable distortion of the cable.

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Strange et al. '503 in view of Schatz et al '824. Strange et al. '503 lacks the opening through which the power supply strand is led out of the area of the base being provide with a holding element adapted to be inserted in the opening and including at least one holding profile by which the power supply strand can be fixed at a predetermined position relative to the holding element.

Schatz et al '824 shows in Figures 1 and 3 a pillar drilling machine comprising a drill head (above 31) which is supported on a pillar (22,23), and a base (21) for supporting the pillar, as well as a power supply strand (71,72) leading to drill head. Schatz et al '824 further shows the power supply strand extending from the base to the drill head within the interior of the pillar drilling machine (Fig. 3). Schatz et al '824 further shows a storage facility (recess at 82) for the power supply strand provided in the area of the base. Schatz et al '824 further shows at least one opening (74) within the base through which the power supply stand is led out of the area of the base. Schatz et al '824 further shows a holding element (75) adapted to be inserted into the at least one opening (74), which includes at least one holding profile (inner surface of 75) by means of which the power supply strand can be fixed at a predetermined position relative to the holding element. In view of this teaching of Schatz et al '824, it would have been obvious to one of ordinary skill in the art to modify the pillar drilling machine of Strange et al. '503 to include a holding element adapted to be inserted in the opening of the base and including at least one holding profile by which the power supply strand can be fixed at a predetermined position relative to the holding element as taught by Schatz et al '824 to provide for control of the power supply strand slack, thus preventing looping, twisting or other undesirable distortion of the cord.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Strange et al. '503 in view of Bakewell '318. Strange et al. '503 lacks the drill head being adapted to be rotated relative to the pillar and that a rotation limiting device is provided.

Bakewell '318 shows in Figures 1 and 6 a pillar drilling machine comprising a drill head (5,7) which is supported on a pillar (9), and a base (1) for supporting the pillar, as well as a power supply strand (20b) leading to drill head. Bakewell '318 further shows a flange member (10,10a) provided which the pillar is supported on the base (via bolts 10b in Fig. 1) such that it is centered relative thereto. Bakewell '318 further shows the drill head being adapted to be rotated relative to the pillar (about axis 6) and that a rotation limiting device (obstruction of 5 against 4 to limit rotation to less than 360 degrees) is provided. In view of this teaching of Bakewell '318, it would have been obvious to one of ordinary skill in the art to modify the pillar drilling machine of Strange et al. '503 to include a drill head being adapted to be rotated relative to the pillar and that a rotation limiting device is provided as taught by Bakewell '318 to control the range of motion of the drill head, thus allowing for incremental positioning of the drill head for accurate drilling operations.

8. Claim 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strange et al. '503 in view of Bakewell '318, further in view of Spohn, Jr. '141. Strange et al. '503 in view of Bakewell '318 lacks a releasable clamping means between the pillar and the drill head so as to prevent rotation relative to one another.

Spohn, Jr. '141 shows in Figure 3 a releasable clamping means (42) comprising two clamping elements (48,52) having contact surfaces (56) corresponding to the shape of the pillar that can be adjusted (via screw 44) to bring into clamping arrangement with the pillar. In view of this teaching of Spohn, Jr. '141, it would have been obvious to one of ordinary skill in the art to modify the rotation limiting device of Strange et al. '503 in view of Bakewell '318 to include a

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releasable clamping means comprising two clamping elements having contact surfaces corresponding to the shape of the pillar that can be adjusted via a screw as taught by Spohn, Jr. '141 to provide a quick-action clamping means with greater degree of tightening, thus allowing for incremental movement of the drill head with respect to the pillar by overcoming the frictional contact.

Allowable Subject Matter

9. Claims 6-9,17,19,20 and 25 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments filed 06 July 2007 have been fully considered but they are not persuasive.

11. Examiner respectfully disagrees with Applicant's Remarks relative to Strange et al. '503 reference not disclosing the claimed limitation of a "respective connectable separation point of the power strand supply, wherein the separation point is implemented as a releasable electrical plug connection". This claim limitation, as broadly recited in the claims lacking specific structure, is clearly anticipated by Strange et al. '503 as shown in Figure 1 via a pillar drilling machine comprising a drill head (36) which is supported on a pillar (14), and a base (12) for supporting the pillar, as well as a power supply strand (22,52,50,64) leading to drill head. Strange et al. '503 further shows a respective separation point (64) of the power supply strand within an area of the drill head. Strange et al. '503 shows the separation point being implemented as a releasable plug connection, at least sectionwise, provided within the interior of the pillar.

Furthermore Applicant's Remarks that the electrical fitting 64 and the power cable connecting means 52 are provided in chambers which are not accessible from the outside and

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therefore would need to be disassembled to gain access thereto, it is noted that this feature is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning the content of this communication from the examiner should be directed to Michael W. Talbot, whose telephone number is 571-272-4481. The examiner's office hours are typically 8:30am until 5:00pm, Monday through Friday. The examiner's supervisor, Mrs. Monica S. Carter, may be reached at 571-272-4475.

In order to reduce pendency and avoid potential delays, group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at FAX number 571-273-8300. This practice may be used for filling papers not requiring a fee. It may also be used for filing

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papers, which require a fee, by applicants who authorize charges to a USPTO deposit account.

Please identify Examiner Michael W. Talbot of Art Unit 3722 at the top of your cover sheet.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

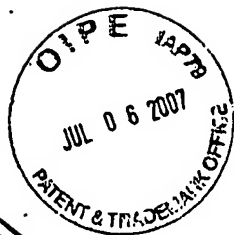


MWT
Examiner
18 September 2007


MONICA CARTER
SUPERVISORY PATENT EXAMINER

Replacement Sheet

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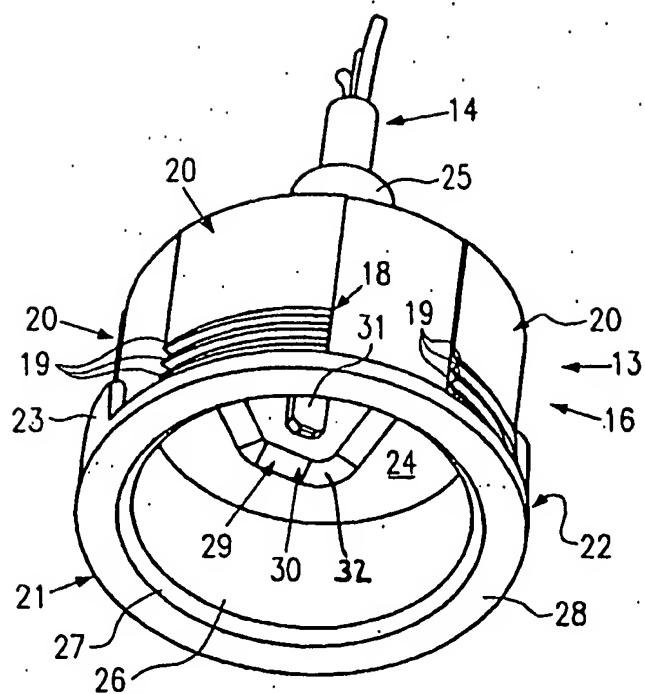


Fig.2

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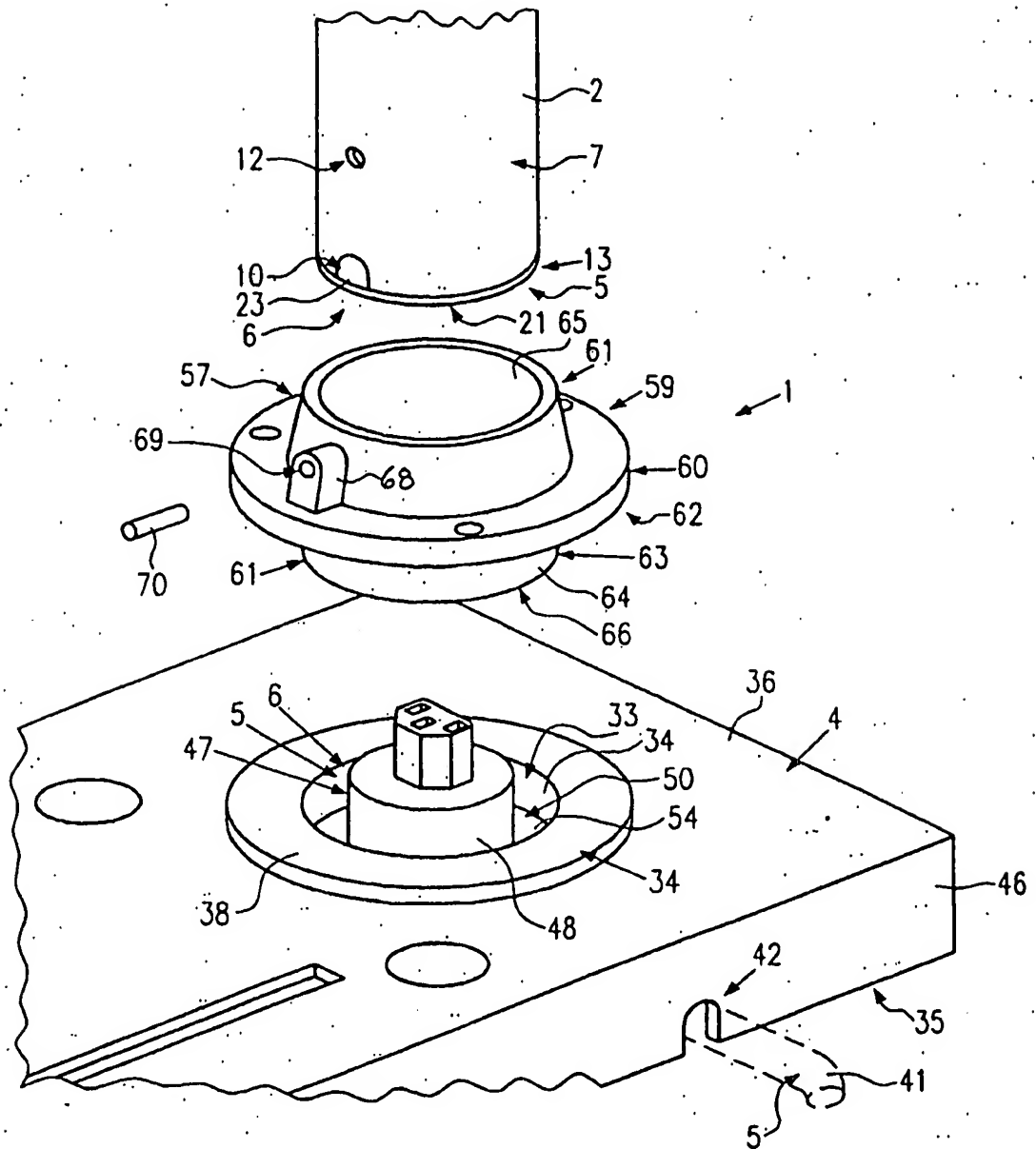


Fig.6

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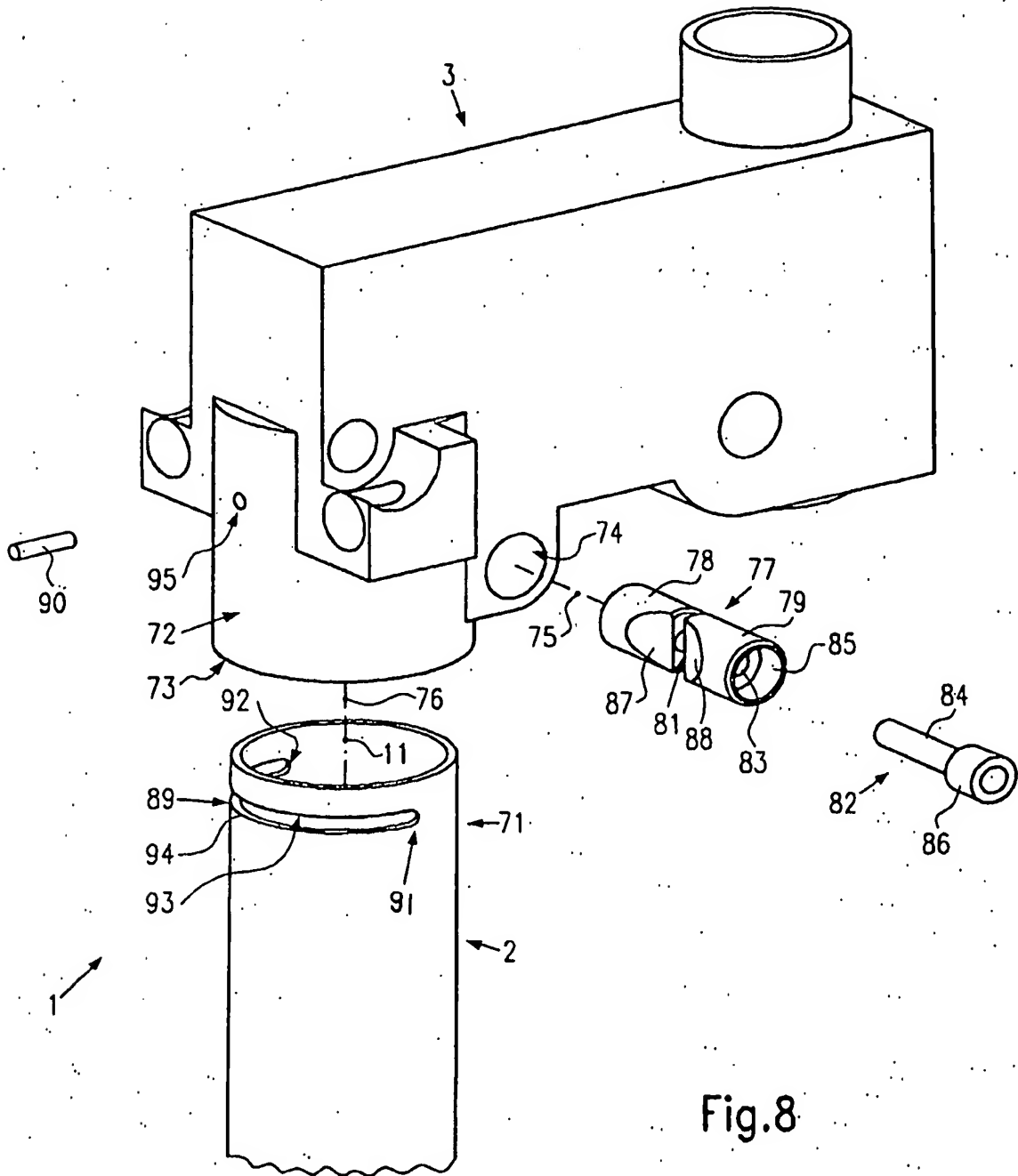


Fig.8